

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Improving Public Safety Communications)	WT Docket No. 02-55
In the 800 MHz Band)	
)	
Consolidating the 800 and 900 MHz Industrial/ Land Transportation and Business Pool Channels)	
)	
Amendment of Part 2 of the Commission's Rules To Allocate Spectrum below 3 GHz for Mobile and Fixed Services to Support the Introduction Of New Advanced Wireless Services, including Third Generation Wireless Systems)	ET Docket No. 00-258
)	
Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service)	RM-9498
)	
Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Communications Service)	RM-10024
)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service)	ET Docket No. 95-18
)	

**COMMENTS IN SUPPORT OF PETITION
FOR CLARIFICATION OR RECONSIDERATION**

The Arizona Broadcasters Association ("Association"), by their undersigned counsel in this matter, hereby submit these comments in strong support of the Petition for Clarification or Reconsideration ("Petition") filed on January 27, 2006 by the Mohave County Board of Supervisors in the above-referenced proceedings.¹ As supported more fully below, the Association strongly urges the Commission to clarify or, if necessary, to revisit its Memorandum

¹ The instant Comments are timely filed within 15 days of the date of public notice of the Mohave Petition in the Federal Register. See 71 FR 11658 (Mar. 8, 2006).

Opinion and Order released on October 5, 2005 (the “*Order*”)² and to make clear that neither the *Order* nor any other action of the FCC relieves Sprint Nextel Corporation (“Sprint Nextel”) of the obligation to reimburse parties for costs associated with rebanding 2 GHz broadcast auxiliary service (“BAS”) television translator stations. The arguments justifying the Commission to provide such clarification are set forth in the Mohave Board’s Petition and no useful purpose would be served by repeating them here. However, the Association believes that it would well serve the record in this matter and the FCC’s decision making to emphasize the critical importance of the Mohave Board’s translators to the continued protection of lives and properties in Arizona.

As the Commission is aware, residents in Arizona and elsewhere in the United States rely heavily upon free local broadcasters to provide them with emergency information and other program information that is responsive to the needs, interests, and problems of their communities.³ The Commission has also recognized that television translator stations are integral links in this emergency communications chain.⁴ Through the use of translator stations, life saving information is brought to residents in areas in which direct reception of signals from full-service television broadcast stations is unsatisfactory or impossible due to distance or intervening terrain obstructions.

As a prime example of the emergency link provided by television translators, the Mohave Board delivers news, weather, and emergency information to approximately 100,000 otherwise unserved or underserved persons living in remote locations in western Arizona via its eight

² See *Improving Public Safety Communications in the 800 MHz Band*, 20 FCC Rcd 16015 (2005).

³ Indeed, according to a survey conducted by the Association and the National Association of Broadcasters in 2003, Arizona broadcasters contributed approximately 215 million dollars worth of service to their communities during that year alone.

⁴ See, e.g., *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations*, 18 FCC Rcd 18365 (2003).

translator relay stations which rebroadcast Phoenix area television stations.⁵ The critical importance of television translators, like those operated by the Mohave Board, has become abundantly clear in Arizona in recent years as a result of the many wildfires that have destroyed millions of acres, have cost the state and private citizens millions of dollars, and have put numerous lives at risk. Indeed, parts of Arizona are entering their eleventh year of drought,⁶ and the dry weather that dominates the Arizona region makes it ripe for wildfires, threatening the safety of local residents. In 2002, the *Rodeo-Chediski* wildfire, the largest wildfire in Arizona's history, burned more than 468,638 acres and caused more than 28 million dollars in property damage.⁷ During the emergency, the Mojave Board's translators carried emergency information to the residents and first responders in remote areas, and they continue to do so. According to U.S. Senator Jon Kyl of Arizona, this year could result in the longest and most costly fire season in Arizona's history.⁸ Only through the use of these television translators can the public be certain that safety and informational alerts reach *all* of the underserved residents of Arizona.

However, it is unclear whether this critically necessary service to these underserved Arizona residents will continue to exist because Sprint Nextel has informed the Mohave Board and other broadcasters that it will not reimburse "secondary BAS licensees" from relocation cost reimbursement during the 2 GHz BAS transition.⁹ According to Sprint Nextel, the *Order* precludes translator licensees from receiving disbursement costs because translators are deemed to be "secondary" services.¹⁰ The Association strongly disagrees with Sprint Nextel's

⁵ See Petition at 4.

⁶ See <http://www.azcentral.com/specials/special26/articles/0112drought12-colorado.html>.

⁷ See <http://www.usatoday.com/weather/news/2002/2002-04-07-drought-rural-ariz.htm> (April 7, 2002).

⁸ See "Wildfire Conference Focusing on Dry Southwest", Jim Cross, KTAR (March 8, 2006).

⁹ See Petition at 5-6; Petition for Clarification or Reconsideration of KTVK, Inc. at 2.

¹⁰ See Petition at 5-6.

interpretation of the *Order* and urges the Commission to clarify that Sprint Nextel may properly claim credit for the relocation costs associated with “secondary” translator stations.

As shown in the Petition, rebanding the Mohave Board's 2 GHz stations would cost the Board in excess of \$350,000,¹¹ a sum that the Commission cannot reasonably expect the local government to pay. If the Commission does not clarify or otherwise revisit its *Order*, there is no guarantee that these facilities will ever be relocated to the new band plan. As noted above, translator stations like those licensed to the Mohave Board provide essential local news, weather, and safety alerts to unserved and underserved communities which rely on such vital information. In order to ensure that the public interest continues to be met and residents do not lose access to live saving information, the Association respectfully urges the Commission to clarify or, if necessary, to revisit and conclude that the *Order* does not relieve Sprint Nextel Corporation of the obligation to reimburse parties for costs associated with rebanding television translator stations.

Respectfully submitted,

ARIZONA BROADCASTERS ASSOCIATION

By: /s/
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¹¹ See Petition at 14, n.28.

CERTIFICATE OF SERVICE

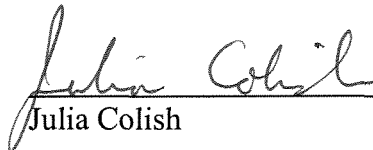
I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that copies of the foregoing "COMMENTS IN SUPPORT OF PETITION FOR CLARIFICATION OR RECONSIDERATION" was served via U.S. mail on this 22nd day of March 2006 to the following:

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